

# Kentucky Environmental Quality Commission Public Meeting

## Legislation Session Overview

### Meeting Minutes

March 5, 2004

Capitol Annex Room 129

Frankfort, Kentucky

### EQC Commissioners Present

Lindell Ormsbee, Chair

Gary Revlett

Betsy Bennett

Gordon Garner

Patty Wallace

Aloma Dew

### Speakers/Representatives Present

Alex Barber, Legislative Research Comm.

Russ Barnett, University of Louisville

### EQC Staff Present

Erik Siegel, Assistant Director

Frances Kirchhoff, Executive Secretary

### Audience Attendance

Approximately 6 persons

### Opening Remarks

Lindell Ormsbee, Chair of the Environmental Quality Commission, opened the meeting at 1 p.m. The purpose of the meeting was to receive information about of the legislative session and to receive a presentation from the Kentucky Institute for Sustainable Development from the University of Louisville about the use of biomarkers.

Betsy Bennett moved that we approve the minutes of the January 15 meeting. Gary Revlett seconded the motion.

The first agenda item was a review of the 2004 legislative session. Alex Barber with Representative Jody Richard's office advised the Commission there are not many environmental bills this session. The environmental "stars" so far are House Bill 388, 490, 132; House Joint Resolution 98; and Concurrent Resolution 8. He spoke about some of the bills and where they were in the process. The budget bill was being voted on during this meeting time. EQC's budget of \$150 thousand seems to be OK. There is a lot of flexibility within the budget. It is not personnel or CAPS driven. The Cabinet Secretaries have flexibility to move resources from here to there.

### Question/Answer

Has there been a bill introduced that would require that no local community could pass an ordinance on animal agriculture that is more strict than the state? Is there such a bill?

I am not aware.

What about the local control bill?

It does have "legs" but I don't know how much.

Did I understand you to say that the budget is based on each Cabinet losing 1,000 employees a year?

No, the aggregate.

The next item on the agenda was Strengthening Environmental Decision-making. During 2004, the EQC will focus on a number of opportunities to improve the state's environmental decision-making process. Among the items to explore are:

- Providing improved public participation and collaboration in decision-making,
- Moving toward a focus on environmental outcomes rather than just programs, and
- The role of science, research and other tools beyond just regulation that will improve environmental management and decision-making.

The Chair introduced Mr. Russ Barnett and Dr. Harold Hurst from the Kentucky Institute for Sustainable Development from the University of Louisville. Mr. Barnett gave a PowerPoint presentation and discussed the potential role of biomarkers to improve state decision-making. Mr. Barnett defined biomarkers as observable properties of an organism that indicate variation in cellular or biochemical components, structure or function, that can be measured in biological systems or samples. A Bioindicator was defined as an anthropogenically-induced response in biomolecular, biochemical, or physiological parameters that has been causally linked to biological effects at one or more of the organism, population, community, or ecosystem levels of biological organization. Four categories for use of biomarkers are:

- Biomarkers as a screening tool
- Biomarkers of change
- Biomarkers to assess health risk
- Assess underlying susceptibility of an organism

Potential uses of bioindicators are to:

- Indicate contaminant exposure
- Help identify mechanisms of toxicity
- Provide early warning of impending environmental damage
- Provide early indication of environmental recovery/remediation
- Important in linking cause (stressor) to ecologically relevant effects
- be incorporated into ecological risk assessment

Examples of biomarkers of internal dose:

- Exhaled breath
- Blood levels
- Fat concentration
- Metabolites in urine
- Mutagens in urine
- Hair samples
- Blood carboxyhemoglobin
- Blood methemoglobinemia

The conclusion is that the Commonwealth should:

- Identify a comprehensive set of biomarkers to assess environmental quality/public health risk
- Support research at Universities and within agencies to develop new biomarkers
- Prepare strategy and utilize biomarkers to complement environmental monitoring

#### Question/Answer

When will the biomarkers be ready for use as a diagnostic tool?

Some will be immediate and others will be much later.

How would the state go about implementing this because the Federal Government dictates a lot of what the state does?

(Gordon answered this question by suggested we look at the problems we have or what we want to address and ask, 'Is there a biomarker that might supplement, replace or enhance environmental monitoring that is on going now?' and use that as the strategy for implementation.)

Mr. Ormsbee asked some very technical questions of interest concerning how the body reacts to cancer-causing isomers, the breakdown of molecules, different reaction by certain groups of people. The idea of using biomarkers came up during the discussion. Environmental indicators are not a good means to finding the source of the pollutant. Environmental indicators define the problem. If one wants to use indicators for screening then the problem will be known but not the source of the problem. One of the values being seen with biomarkers is that it can help to identify the source. The fact is that most chemicals can be measured. The values of biomarkers are that they are helping identify the source of a chemical and that can not be done with any of the traditional monitoring indicators.

#### Other Business

(Mr. Siegel led the discussion in Ms. Cole's absence.) Mr. Siegel spoke first about the Children's Environmental Health Recommendations. He did advise the Commissioners that we received a letter from Dr. James Holsinger. (They were given a copy of the letter.) Mr. Ormsbee spoke about the Secretary's decision not to post the Children's Environmental Health Recommendations until after the legislative session.

The next order of business was the U. S. Forest Service asking for support. Patty Wallace asked if the parcels included in the land swap? Erik will check. It was decided to hold approving support until we know about the land swap.

The next order of business was the University of Kentucky's request for funding. It was moved by Gordon Garner and seconded by Aloma Dew that we make the recommendation for funding.

Next, the Commissioner's chose the priorities for 2004. The final choices were:

- Energy Issues
- Farmland/Ag issues
- Toxics
- Children's Environmental Health
- Earth Day

The next topic of discussion was Earth Day. Mr. Siegel informed the Commission that EQC has been tapped by the Secretary's Office to coordinate the Earth Day events for state government. Leslie has been working on that and a bookmark with a reading list has been made. The bookmark will be printed and given out during statewide Earth Day events. EQC will be doing what it has always done with the Earth Day awards ceremony. Each Commissioner was given a write-up and a voting sheet of EQC nominations received to-date. This list is preliminary. The deadline for nominations is March 20. Final updated lists will be sent out on March 22 and selections are due back to the office as soon as possible.

In your packet of information also is a copy of a resolution from the president of Kentucky Public Health Association, Flo Pittman. The Kentucky Public Health Association sent a resolution to the legislatures of the Commonwealth concerning funding for the EQC. Copies were sent to Governor, Lieutenant Governor, Secretary for the Environmental and Public Protection Cabinet, Secretary of the Health and Family Services Cabinet, the Commissioner of the Department for Public Health, and the Chair and Executive Director of the Environmental Quality Commission.

Miscellaneous things in your folder for your information:

- a copy of a letter to Patty Wallace from Stephanie McSpirit thanking her and the Commission for work done on the Martin County Project Phase II
- a copy of EQC's website showing the indicator of the month. This month it is waterborne diseases.
- a sample calendar of children's art showing where litter comes from as a part of Earth Day

The budget report shows that 67% of the fiscal year has expired and 57% of our budget has been used. Briefly discussed was the use of procards for purchases, especially misuse by the Department of Parks.

The next meeting of EQC is scheduled is Earth Day, April 22 in Frankfort. With no further business, the meeting adjourned at 4:30 p.m.

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Signed    Lindell Ormsbee, Chair

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Date